

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	2:18-cv-06616-GW (SK)	Date	August 14, 2018
Title	Fred Lee Davis v. Nancy A. Berryhill		

Present: The Honorable	Steve Kim, United States Magistrate Judge		
Connie Lee	n/a		
Deputy Clerk	Court Reporter / Recorder		
Attorneys Present for Plaintiff:	Attorneys Present for Defendant:		
None present	None present		

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE**

Plaintiff is a state prisoner suing the Social Security Administration (SSA) for supplemental security income (SSI) benefits from June 14, 2010 through December 15, 2011, when he was incarcerated. (ECF No. 1 at 14, 18). Before he was imprisoned, Plaintiff had received a conditional award of benefits starting on June 14, 2010 but failed to appear in person at an SSA office to prove his eligibility despite two notices to appear. (*Id.* at 16). The SSA therefore denied Plaintiff's application for SSI benefits on January 26, 2012 for failure to satisfy the eligibility requirements. (*Id.* at 18). On October 2, 2013, Plaintiff's counsel apparently informed the SSA that Plaintiff had been incarcerated, but it still denied Plaintiff benefits because he had not met the eligibility requirements. (*Id.* at 24–27). Plaintiff now seeks to proceed in forma pauperis with a complaint that ostensibly challenges the denial of SSI benefits, but alleges no factual or legal basis for relief. Indeed, the complaint sets forth no cogent set of facts or comprehensible legal claims. Demanding payment of retroactive benefits in conclusory fashion is not sufficient to allege a factual or legal error that might plausibly entitle Plaintiff to relief. *See* 28 U.S.C. §§ 1915(e)(2), 1915A(b); Fed. R. Civ. P. 8(a)(2); *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). In addition, Plaintiff has failed to authorize disbursements from his prison trust account to pay the filing fees for this action.

Therefore, Plaintiff is ORDERED TO SHOW CAUSE by or before **September 14, 2018** why this action should not be dismissed for failure to state a claim upon which relief may be granted. Plaintiff may satisfy and discharge this order to show cause by (1) filing an amended complaint that sets forth the precise decision by the SSA that he is challenging **and** the necessary facts and legal theories to show why that decision is alleged to be legally or factually wrong; and (2) submitting his request to proceed without prepayment of filing fees using the correct form, CV-60P, a copy of which is attached to this order, and including all the necessary supporting documentation. Alternatively, Plaintiff may voluntarily dismiss this action using the attached Notice of Voluntary Dismissal form, CV-09. **Plaintiff is cautioned that failure to file a notice of voluntary dismissal or timely response to this order may result in involuntary dismissal of this action for failure to prosecute and obey court orders.** *See* Fed. R. Civ. P 41(b); L.R. 41-1.